

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Florida Department of Transportation  
Attn: Patrick Muench  
719 South Woodland Blvd.  
DeLand, Florida 32720

**Permit No:** SAJ-2006-4379 (IP-AWP)

**Issuing Office:** U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The placement of clean fill material into 1.46 acres of waters of the United States (wetlands) for the redesign of the existing exit ramps between SR 417 and County Road (CR) 46A, widening of the existing Collector-Distributor (CD) ramp between SR 417 and CR 46A, and extension of the existing CD ramp from SR 46 to I-4. The work described above is to be completed in accordance with the three (3) attachments affixed at the end of this permit instrument.

**Project Location:** The project is located south of State Road (SR) 46 and west of Interstate 4 (I-4) within Sections 5 and 6, Township 20 South, Range 30 East and Sections 20, 29, 31, and 32, Township 19 South, Range 30 East, Seminole County, Florida. The project as proposed impacts wetlands hydrologically connected to Lake Monroe.

**Directions to site:** From the intersection of I-4 and SR 46 proceed south on I-4.

**Latitude & Longitude:** Latitude 28.80231 North  
Longitude 81.34243 West

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**Permit Conditions**

**General Conditions:**

1. The time limit for completing the work authorized ends on **March 9, 2012**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to

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ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The permittee agrees to deduct 1.3 Federal credits from the (Florida Department of Transportation owned) Lake Monroe Mitigation Bank for the direct impacts to 1.46 acres of wetlands. The permittee agrees to deduct the required credits within 60 days from the issuance of this authorization. The permittee accepts reasonable responsibility to ensure that the 1.3 Federal mitigation credits are transferred from the bank instrument to this project permit. The applicant shall furnish a copy of the credit transfer to the SPECIAL PROJECTS AND ENFORCEMENT BRANCH, P.O. Box 4970, Jacksonville, Florida 32232, prior to the commencement of work authorized by this permit instrument.

2. The permittee agrees to provide as-built drawings of the authorized work. The drawings are to be submitted within 60 days of completion of the authorized work or at the expiration of the construction window of the permit, whichever comes first. The drawings must be signed and sealed by a registered professional engineer. The drawings should include the following:

- a. A plan view of overall footprint of the project showing all "earth disturbance", including wetland impacts, water management structures, and any on-site mitigation areas.
- b. Submit an As-Built Certification Form with the drawings. A blank form is attached for your use. (Attachment 3)

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899  
(33 U.S.C. 403).

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(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

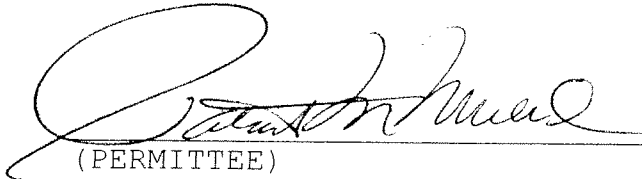
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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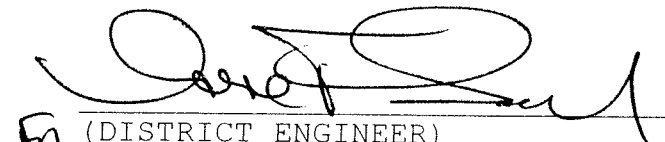
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
(PERMITTEE)

3/16/07  
(DATE)

Patrick M. Muench  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
fn (DISTRICT ENGINEER)  
Paul L. Grosskruger  
Colonel, U.S. Army  
District Commander

MAR 30 2007  
(DATE)

CESAJ-RD-NA-M (1145b)  
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**MAR 09 2007**

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and  
Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation-District 5  
Attn: Patrick Muench  
719 South Woodland Blvd.  
DeLand, Florida 34720

2. Location, Project Description, Existing Conditions: The project is located south of State Road (SR) 46 and west of Interstate 4 (I-4) within Sections 5 and 6, Township 20 South, Range 30 East and Sections 20,29,31, and 32, Township 19 South, Range 30 East, Seminole County, Florida. The project as proposed impacts wetlands hydrologically connected to Lake Monroe.

Latitude 28.80231 North  
Longitude 81.34243 West

The wetland systems within the project corridor total approximately 2.62 acres and consist of:

Wetland A: wetland forested mixed, dominated by red maple, sweetgum, sweetbay magnolia, and slash pine. The understory consists of Carolina willow, saltbush, wax myrtle, and primrose willow. This system is bisected by several ditches which are adversely affecting the hydrology of the wetland.

Wetland B: wetland shrub, appears to have been a borrow pond that has developed into a functional wetland. The wetland is mostly shrubby including primrose willow and wax myrtle.

Wetland C: wetland forested mixed, vegetated very similar to wetland A and appears to have one been a part of a larger wetland system. This wetland also contains a ditch which is affecting its hydrology. This wetland is also disturbed by human induced activities including: mowing, loitering, and dumping of fill.

The applicant proposes to impact 1.46 acres of waters of the United States (wetlands) for the proposed system modification. Wetland A will incur 0.19 acre of impact in association with on-ramp reconfiguration. Wetland B will incur 0.13 acre of impact associated with ramp realignment. Wetland C will incur 100 percent impacts (1.14 acres) due to the proposed interchange

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redesign. One surface water will be impacted but it was created from uplands and is routinely maintained. The surface water is not jurisdictional to the U.S. Army Corps of Engineers.

3. Project Purpose:

Basic: Redesign of the existing I-4/SR 46 interchange in accordance with recommendations presented in the I-4 Project Development and Environmental (PD&E) Study (August 2000).

Overall: Redesign of the existing system includes relocation of the exit ramps between SR 417 and County Road (CR) 46A, widening of the existing Collector-Distributor (CD) ramp between SR 417 and CR 46A, and extension of the existing CD ramp from SR 46 to I-4.

4. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

5. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-117-22514-3 was issued on 13 February 2007.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

6. Date of Public Notice and Summary of Comments

a. The application was received on 24 May 2006. The application was considered complete on 14 September 2006. A public notice was issued on 20 September 2006, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:



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(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): Did not respond to the public notice.

(4) State Historic Preservation Officer (SHPO): No response received.

(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: No comments were forwarded to the applicant as none were received.

## 7. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): In recent years, Central Florida has experienced a tremendous surge in growth, particularly in close proximity to I-4. Severe traffic congestion and the rising numbers of accidents result in regular delays to the transportation system. These issues, coupled with a growing population, constitute the most serious transportation problems affecting the region today.

Although the proposed project was not directly evaluated in the I-4 PD&E - Section 2 Environmental Impact Statement, the proposed widening is consistent with the ultimate improvements described in the completed I-4 PD&E - Section 2 Environmental Impact Statement. Copies of the I-4 PD&E - Section 2 Environmental Impact Statement can be obtained from the Florida Department of Transportation District-5 office in DeLand, Florida. The no build alternative would not allow for project completion and would contribute to significant traffic safety and traffic movement problems, which exist with the current I-4 corridor.

b. Minimization (modified project designs, etc.): The proposed project has been minimized to the maximum extent practicable, which would still allow for project completion. Minor alignment shifts were considered in order to reduce wetland impacts.

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c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant will mitigate for the loss of wetland function through the use of the FDOT owned and operated Lake Monroe Mitigation Bank. The applicant proposes to deduct 1.33 federal credits from the credit ledger. The bank occurs on the east floodplain of Lake Monroe. The bank is managed to restore and enhance nearby St. Johns River floodplain resources that are comparable in function to the I-4 impact wetlands. Use of a mitigation bank is an appropriate and permissible mitigation option. On-site mitigation opportunities are not expected to have comparable long-term viability due to such factors as ecologically incompatible existing adjacent land uses or future land uses.

8. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

9. Public Interest Review:

a. Corps analysis of comments and responses: No adverse comments were received.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more

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effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The Corps has determined the proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. The lack of comments provided by USFWS supports the Corps determination.

g. Essential Fisheries Habitat (EFH): The Corps has determined the proposed project will have no effect on EFH as the project site does not contain EFH. This determination is supported by the lack of comments provided by NFMS.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: The project would add to the cumulative impacts to wetlands and the local ecology associated with the overall Seminole County developments. However, the Corps believes that the project would not significantly contribute to these cumulative impacts due to the mitigation of impacts that are inherent to the proposal. The Corps acknowledges that the project might produce minor secondary impacts, such as increased noise and/or light pollution or minor

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increases in the level of surface pollutants. However, in consideration of the overall limited size of the project, the Corps does not believe that any secondary impacts associated with the project would be significant. Further, the applicant has designed a state approved stormwater management system to reduce any potential secondary water quality impacts. The applicant will utilize best management practices during construction to further reduce potential secondary impacts.

j. Corps Comments and Responses: No comments were received.

10. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

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PREPARED BY:




ANDREW W. PHILLIPS  
Project Manager

REVIEWED BY:



OSVALDO COLLAZO  
Chief, North Permits Branch

APPROVED BY:



PAUL L. GROSSKRUGER  
Colonel, Corps of Engineers  
Commanding

CF:

CESAJ-RD-PE